

NOTICE

This is a summary disposition issued under Alaska Appellate Rule 214(b). Summary disposition decisions of this Court do not create legal precedent and are not available in a publicly accessible electronic database. See Alaska Appellate Rule 214(d).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

RYAN A. LUCAS,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12707
Trial Court No. 3KO-14-00619 CR

SUMMARY DISPOSITION

No. 0073 — September 18, 2019

Appeal from the Superior Court, Third Judicial District, Kodiak,
Steve W. Cole, Judge.

Appearances: Gavin Kentch, Law Office of Gavin Kentch, LLC, Anchorage, under contract with the Office of Public Advocacy, for the Appellant. Ann B. Black, Assistant Attorney General, Office of Criminal Appeals, Anchorage, and Jahna Lindemuth, Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, Harbison, Judge, and Suddock, Senior Superior Court Judge.*

Following a jury trial, Ryan A. Lucas was convicted of third-degree assault and fourth-degree weapons misconduct.¹ On appeal, he contends that there was insufficient evidence to convict him of fourth-degree weapons misconduct. In particular,

* Sitting by assignment made pursuant to Article IV, Section 11 of the Alaska Constitution and Administrative Rule 23(a).

¹ AS 11.41.220(a)(1)(A) and AS 11.61.210(a)(1), respectively.

he asserts that the State’s evidence failed to prove an element of that offense — *i.e.*, that his physical or mental condition was “impaired” as the result of the introduction of an intoxicating liquor into his body.²

As Lucas acknowledges in his brief, when we evaluate the sufficiency of evidence to support a conviction, we view the evidence — and the inferences arising from that evidence — in the light most favorable to the verdict and ask whether a reasonable juror could have concluded that the defendant was guilty beyond a reasonable doubt.³ We do not weigh the evidence or evaluate witness credibility, because those are questions for the jury.⁴ When viewed in this manner, the evidence is sufficient if a “fair-minded juror exercising reasonable judgment could conclude that the State met its burden of proving [the defendant’s] guilt beyond a reasonable doubt.”⁵

In the present case, the jury heard testimony that Lucas was drinking in a bar when, for no apparent reason, he became verbally aggressive toward another patron. When the patron declined to accept a drink Lucas had purchased for him, Lucas began “jumping up and down,” challenging the patron to fight.

The jury also heard testimony that when this patron decided to leave the bar to avoid further confrontation, Lucas followed him to the parking lot. There, Lucas renewed his challenge to physically fight. When the patron did not reciprocate, Lucas inexplicably walked to his vehicle, opened the trunk, pulled out a hunting rifle, chambered a round, and brandished the weapon.

² AS 11.61.210(a)(1).

³ *Iyapana v. State*, 284 P.3d 841, 848-49 (Alaska App. 2012).

⁴ *Id.* at 849 (citing *Morrell v. State*, 216 P.3d 574, 576 (Alaska App. 2009)).

⁵ *Collins v. State*, 977 P.2d 741, 747 (Alaska App. 1999) (citing *Dorman v. State*, 622 P.2d 448, 453 (Alaska 1981)).

The bartender testified that she had served Lucas approximately three shots of alcohol over a one-hour period. One of the responding officers testified that Lucas admitted he had been drinking beer and shots that evening. The officer also testified that he could smell that Lucas had been consuming alcohol.

Considering this evidence in the light most favorable to upholding the verdict, we conclude that a fair-minded juror exercising reasonable judgment could find that the State had met its burden of proving beyond a reasonable doubt that when Lucas possessed a firearm, his physical or mental condition was impaired as a result of the introduction of an intoxicating liquor into his body. In other words, there was sufficient evidence to convict Lucas of fourth-degree weapons misconduct.

The judgment of the superior court is AFFIRMED.